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**UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION**

TANYA GERSH,

Plaintiff,

v.

ANDREW ANGLIN,

Defendant.

Case No. 9:17-cv-00050-DLC-KLD

**PLAINTIFF'S NOTICE OF
SUBMITTAL**

Plaintiff Tanya Gersh hereby provides notice to the Court that the time period for the parties to submit any objections to the Findings & Recommendations entered by Magistrate Judge Kathleen L. DeSoto on May 11, 2022 has expired, making the Findings & Recommendations ripe for an order by District Dana L. Judge Christensen. As set forth in detail below, Judge DeSoto's May 11, 2022 Findings & Recommendations granted Plaintiff's Motion to Hold Defendant Andrew Anglin in Contempt of This Court's February 7, 2022 Order and to Enforce Discovery Pursuant to That Order. (ECF 254 at 14–15.) The Findings & Recommendations recommended that the Court provide Anglin with 30 days to purge himself of contempt by complying with the Court's February 7, 2022 order, and that the Court issue a bench warrant for Defendant's apprehension if he fails to do so. (*Id.*)

On August 8, 2019, this Court entered a default judgment against Defendant on state law claims for invasion of privacy, intentional infliction of emotional distress, and violations of Montana's Anti-Intimidation Act as a result of his online anti-Semitic harassment and intimidation campaign against Plaintiff and her family through his website, the Daily Stormer. (ECF 211, 215.) The judgment ordered that Defendant pay compensatory damages in the amount of \$4,042,438 and punitive damages in the amount of \$10,000,000. (ECF 215.) Defendant has yet to pay any portion of the judgment entered against him.

On November 11, 2021, Plaintiff properly served Defendant with post-judgment discovery requests seeking information concerning Defendant financial assets to aid Plaintiff in obtaining information necessary for the purpose of enforcing this Court's judgment against Defendant for compensatory and punitive damages. (ECF 247-1, 247-2, 249.) Defendant failed to provide any responses to the requested post-judgment discovery or meet and confer to resolve the discovery issues. (ECF 246 at ¶¶ 17, 18, 20; ECF 247 at 6–7.)

On January 6, 2022, Plaintiff filed a motion to compel pursuant to Rule 37 of the Federal Rules of Civil Procedure, seeking an order that Defendant immediately and completely without further objection or delay respond to Plaintiff's post-judgment discovery requests. (ECF 246 at 6–7.) Plaintiff also moved this Court to sanction Defendant pursuant to Rule 37(b) for his continued lack of cooperation with discovery. (*Id.*)

On February 7, 2022, this Court granted Plaintiff's motion to compel. (ECF 249.) The Court ordered Defendant to respond no later than March 11, 2022 to Plaintiff's post-judgment interrogatories that sought information on Defendant's location, contact information, the operation of the Daily Stormer website, and Defendant's assets for the time period from November 1, 2016 to the date of the Court's order. (*Id.* at 10–13.) In particular, the Court ordered Defendant to provide information and documents showing his income, expenses, assets, debts,

securities, cryptocurrency holdings, domain name holdings, intellectual property assets, and other ownership interests held by Defendant, as well as any communications concerning his assets. (*Id.*) The Court cautioned Defendant that if he failed to comply and also show cause why he should not be required to pay the reasonable expenses, including attorney fees, incurred by Plaintiff in making her motion to compel, the Court may treat the failure as contempt of court and impose sanctions against him. (*Id.*) Plaintiff served Defendant with a copy of the order and, on February 11, 2022, filed an affidavit setting forth the attorneys' fees incurred in connection with making the motion to compel. (ECF 251.)

Defendant failed to comply with or otherwise respond to the Court's order by the March 11, 2022 deadline, or show cause why he should not be required to pay the attorneys' fees Plaintiff incurred in making her motion to compel. (ECF 253-1 at ¶¶ 34–36.)

On March 25, 2022, Plaintiff moved to hold Defendant in civil contempt under Federal Rule of Civil Procedure 37 and the Court's inherent contempt power. (ECF 252.) Plaintiff's motion and supporting declaration provided evidence that, "even as Anglin avoids complying with court orders and paying the judgments against him, he continues to publish on—and profit from—the Daily Stormer, authoring vitriolic anti-Semitic posts and openly soliciting cryptocurrency donations from his followers (even admitting his website has 'long

been banned from operating within the normal financial system).”) (ECF 253 at 6.) The Daily Stormer is the same website from which he launched the harassment campaign underlying the damages award in this action. (*See* ECF 1.)

On May 11, 2022, Magistrate Judge DeSoto recommended that Plaintiff’s motion to hold Defendant in contempt of the February 7, 2022 order and enforce discovery pursuant to that order should be granted. (ECF 254 at 14.) Judge DeSoto recommended that “Anglin should be held in civil contempt, and should be adjudged liable for Gersh’s attorneys’ fees and costs in the amount of \$3,507.50.” (*Id.*) Judge DeSoto further recommended that the Court should “give Anglin thirty days to purge himself of contempt by complying with all the requests for production and interrogatories as set forth in the Court’s February 7, 2022 order” and that “the Court issue a bench warrant for Anglin’s apprehension if he fails to purge himself of the contempt within the time period specified.” (*Id.* at 15.)

On May 16, 2022, in accordance with the May 11, 2022 Findings & Recommendations, Plaintiff filed proof with the Court that she served a copy of the Findings & Recommendations on Defendant at each of the addresses set forth in Plaintiff’s prior proof of service. (ECF 250, 255.)

The May 11, 2022 Findings & Recommendations advised that the parties had 14 days after the entry of the order within which to file objections

thereto, or they would be waived. Neither party filed any objections. Accordingly, Plaintiff provides notice to this Court that the Findings & Recommendations entered on May 11, 2022 are ripe for consideration by District Judge Christensen.

Respectfully submitted this 30th day of August, 2022.

DATED: August 30, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on this date the foregoing document was filed with the clerk of the court for the United States District Court for the District of Montana through the Court's CM/ECF filing system, and by virtue of this filing notice will be sent electronically to all counsel of record. I further certify that on this date the foregoing document was served upon Defendant Andrew Anglin via U.S. Mail at all his known mailing addresses.

DATED: August 30, 2022

/s/John M. Morrison

Attorney for Plaintiff Tanya Gersh
on behalf of all Attorneys for Plaintiff